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APPLICATION NO.	FIL	ING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/057,949	01/29/2002		Hiromi Yamamoto	8013-1003	3610	
466	7590	11/30/2004		EXAM	EXAMINER	
YOUNG & T	ГНОМР	SON	ORTIZ CRIADO, JORGE L			
745 SOUTH 2	3RD STF	REET				
2ND FLOOR				ART UNIT	PAPER NUMBER	
ARLINGTON	I, VA 22	2202	2655			

DATE MAILED: 11/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)					
	10/057,949	YAMAMOTO ET AL.					
Office Action Summary	Examiner	Art Unit					
	Jorge L Ortiz-Criado	2655					
The MAILING DATE of this communication app	pears on the cover sheet with t	he correspondence address					
Period for Reply A SHORTENED STATUTORY PERIOD FOR REPL	VIS SET TO EXPIRE 3 MON	TH(S) EDOM					
THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.1 after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a rep If NO period for reply is specified above, the maximum statutory period. - Failure to reply within the set or extended period for reply will, by statute Any reply received by the Office later than three months after the mailin earned patent term adjustment. See 37 CFR 1.704(b).	136(a). In no event, however, may a reply ly within the statutory minimum of thirty (30 will apply and will expire SIX (6) MONTHS a, cause the application to become ABAND	be timely filed) days will be considered timely. from the mailing date of this communication. ONED (35 U.S.C. § 133).					
Status		•					
1)⊠ Responsive to communication(s) filed on 29 J	anuary 2003.						
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Disposition of Claims							
·							
4)⊠ Claim(s) <u>1-17</u> is/are pending in the application 4a) Of the above claim(s) is/are withdra		. •					
5) Claim(s) is/are allowed.	Wit from consideration.						
6)⊠ Claim(s) <u>1-17</u> is/are rejected.							
7) Claim(s) is/are objected to.							
8) Claim(s) are subject to restriction and/o	or election requirement.	•					
Application Papers							
9) The specification is objected to by the Examine	er.						
10)⊠ The drawing(s) filed on <u>29 January 2003</u> is/are: a)⊠ accepted or b)□ objected to by the Examiner.							
	Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).						
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).							
11)☐ The oath or declaration is objected to by the E	xaminer. Note the attached Of	fice Action or form PTO-152.					
Priority under 35 U.S.C. § 119							
12)⊠ Acknowledgment is made of a claim for foreign	priority under 35 U.S.C. § 11	9(a)-(d) or (f).					
a)⊠ All b)□ Some * c)□ None of:							
1.⊠ Certified copies of the priority documents have been received.							
2. Certified copies of the priority documents have been received in Application No							
3. Copies of the certified copies of the priority documents have been received in this National Stage							
application from the International Burea	•						
* See the attached detailed Office action for a list of the certified copies not received.							
Attachment(s)							
1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413)							
2) Notice of Draftsperson's Patent Drawing Review (PTO-948) Paper No(s)/Mail Date 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) 5) Notice of Informal Patent Application (PTO-152)							
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 04/2002. 5) Notice of Informal Patent Application (PTO-152) 6) Other:							

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DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- 2. Claims 1-3,5,7-9,11,13,14 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Kumon et al. J.P. Publication Number 2000-322742.

Regarding claim 1, Kumon et al. discloses an apparatus for performing recording/reproducing data compatibly to plural kinds of optical disk, said apparatus including:

an optical head; an optical head control unit for controlling said optical head; a reproducing unit for reproducing data from said optical disk through said optical head; a recording unit for recording data into said optical disk through said optical head (See Figure drawing 2 ref # 202, 206; detailed description [0015]-[0016]); and

a disk-kind determination unit for determining a kind of said optical disk (See detailed description [0016]; figure drawing 2 ref # 207,208,209,210), said disk-kind determination unit further comprising:

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a meandering frequency detecting unit for detecting a meandering frequency of an information track of said optical disk through said optical head (See detailed description [0016]; figure drawing 2 ref # 207); and

a determination unit for determining a kind of said optical disk based on said meandering frequency detected by said meandering frequency detecting unit (See detailed description [0016]; figure drawing 2 ref # 209)

Regarding claims 2 and 8, Kumon et al. discloses further including a control unit for changing recording/reproducing conditions in accordance with said detected kind of said optical disk (See detailed description [0003], [006], [0034]-[0035], [0041])

Regarding claims 3 and 9, Kumon et al. discloses wherein said meandering frequency detecting unit further comprises: a clock signal extraction circuit for extracting a clock signal from a meandering signal from said optical head (See detailed description [0019]; ref # 207); and a clock frequency measuring circuit for measuring a frequency of said extracted clock

signal to define said measured frequency as said meandering frequency (See detailed description [0020]-[0021]; ref # 208)

Regarding claim 5 and 11, Kumon et al. discloses wherein said meandering frequency detecting unit further comprises:

a clock signal extraction circuit for extracting a clock signal from a meandering signal from said apical head (See detailed description [0019]; ref # 207);

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a clock signal extraction frequency range setting circuit for setting a clock signal extraction frequency range for said clock signal extraction circuit (See detailed description [0019]]; [0026]-[0029] figure drawings 2, 4, ref # 207); and

a clock signal extract determination circuit for determining whether or not said clock signal extraction circuit has succeeded extraction of said clock signal from said meandering signal in said clock signal extraction frequency range which has been set by said clock signal extraction frequency range setting circuit (See detailed description[0029]-[0033]; figure drawing 2 ref# 208, 209)

Regarding claim 7, Kumon et al. discloses an apparatus for determining a kind of optical disk, said apparatus including: a meandering frequency detecting unit for detecting a meandering frequency of an information track of said optical disk; and a determination unit for determining a kind of said optical disk based on said meandering frequency detected by said meandering frequency detecting unit (See detailed description [0016]; figure drawing 2 ref # 207,208,209,210)

Regarding claims 13,14 and 16, Method claims 13,14 and 16 are drawn to the method of using the corresponding apparatus claimed in claims (1,3,5) and/or (7,9,11). Therefore method claims 13,14 and 16 correspond to apparatus claims (1,3,5) and/or (7,9,11) and are rejected for the same reasons of anticipation as used above.

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Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 4. Claims 4 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kumon et al. J.P. Publication Number 2000-322742 in view of Shikichi J.P. Publication Number 08-065050)

Kumon et al. teaches a clock signal extraction circuit for extracting a clock signal from a meandering signal from said apical head (See detailed description [0019]; ref # 207);

a clock signal extraction <u>frequency range setting circuit</u> for setting a clock signal extraction <u>frequency range</u> for said clock signal extraction circuit (See detailed description [0019]]; [0026]-[0029] figure drawings 2, 4, ref # 207); and

a clock signal extract determination circuit for determining whether or not said clock signal extraction circuit has succeeded extraction of said clock signal from said meandering signal in said clock signal extraction frequency range which has been set by said clock signal extraction frequency range setting circuit by measuring the frequency of said extracted clock signal to define said measured frequency as said meandering frequency (See detailed description [0020]-[0033]; figure drawing 2 ref# 208, 209)

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Kumon et al. teaches <u>selecting the range</u> of the desired frequencies to be extracted by <u>adjusting/changing/varying</u> the range of the clock signal extracting circuit 207. But, Kumon et al., does not expressly disclose having <u>a plurality of clock signal extraction circuits having</u> <u>different clock signal extraction frequency ranges</u>

Shikichi, which teaches a variable/adjustable/changeable signal frequency extraction circuit by setting the desired signal extraction frequency range of the frequency to be extracted **OR** having the <u>equivalent</u> of having a plurality of signal frequency extraction circuits with different signal extraction frequency ranges and selecting the desired frequency by either a variable/adjustable/changeable circuit or selecting from plurality of circuits with different ranges (See detailed description [0021]-[0029]; Figures drawings 5, 7)

Because these two elements were <u>art-recognized equivalents</u> at the time of the invention in those circuits applications one of ordinary skill in the art would have found obvious to substitute a plurality of clock signal extraction circuits with different signal extraction frequency ranges for the <u>variable/adjustable/changeable</u> circuit 207.

5. Claims 6 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kumon et al. J.P. Publication Number 2000-322742 in combination with Shikichi J.P. Publication Number 08-065050) ad further in view of Tanaka J.P. Publication Number 60-227507.

Kumon et al. teaches a clock signal extraction circuit for extracting a clock signal from a meandering signal from said apical head (See detailed description [0019]; ref # 207);

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a clock signal extraction <u>frequency range setting circuit</u> for setting a clock signal extraction <u>frequency range</u> for said clock signal extraction circuit (See detailed description [0019]]; [0026]-[0029] figure drawings 2, 4, ref # 207); and

a clock signal extract determination circuit for determining whether or not said clock signal extraction circuit has succeeded extraction of said clock signal from said meandering signal in said clock signal extraction frequency range which has been set by said clock signal extraction frequency range setting circuit by measuring the frequency of said extracted clock signal to define said measured frequency as said meandering frequency (See detailed description [0020]-[0033]; figure drawing 2 ref# 208, 209)

Kumon et al. teaches <u>selecting the range</u> of the desired frequencies to be extracted by <u>adjusting/changing/varying</u> the range of the clock signal extracting circuit 207. But, Kumon et al., does not expressly disclose having <u>a plurality of clock signal extraction circuits having different clock signal extraction frequency ranges and <u>plurality of clock signal extraction</u> determination circuits.</u>

Shikichi, which teaches a variable/adjustable/changeable signal frequency extraction circuit by setting the desired signal extraction frequency range of the frequency to be extracted **OR** having the <u>equivalent</u> of having a plurality of signal frequency extraction circuits with different signal extraction frequency ranges and selecting the desired frequency by either a variable/adjustable/changeable circuit or selecting from plurality of circuits with different ranges (See detailed description [0021]-[0029]; Figures drawings 5, 7)

Tanaka, teaches a plurality of signal frequency extraction circuits with different signal extraction frequency ranges and a plurality of signal extraction determination circuits for

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determining whether or not each of said plural signal extraction circuit has succeeded extraction of said signal in corresponding one of said different signal extraction frequency ranges (See Abstract; ref# extraction circuits 5,6,7, extraction determinations circuits 8, 9, 10)

Because these elements were <u>art-recognized equivalents</u> at the time of the invention in those circuits applications one of ordinary skill in the art would have found obvious to substitute a plurality of clock signal extraction circuits with different signal extraction frequency ranges for the <u>variable/adjustable/changeable</u> circuit 207 and a plurality of signal extraction determination circuits for the signal <u>extract determination circuit 208,209)</u>.

Regarding claims 15 and 17, Method claims 15 and 17 are drawn to the method of using the corresponding apparatus claimed in claims (4,10) and (6,12). Therefore method claims 15 and 17 correspond to apparatus claims (4,10) and (6,12)) and are rejected for the same reasons of obviousness as used above.

- 6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
 - a. U.S. Publication Number 2002/0075780 to Ogihara, which discloses plural filter means for extracting plural frequency components corresponding to the frequencies of the groove wobbles of the plural kinds of recording-capable optical disks and disk identification means for identifying a kind of the mounted optical disk, based on the output signals from the plural filter means.

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b. U.S. Patent No. 5,055,938 to Misumi et al., which discloses a reproduction apparatus which includes plural filter means for extracts plural frequency components corresponding to the frequencies of the recording optical disk of the plural kinds of recording optical disks and disk identification units for identifying a kind of the mounted optical disk, based on the output signals from the plural filter units.

- c. U.S. Patent No. 5,764,610 to Yoshida et al., which discloses an apparatus for determining a kind of optical disk, said apparatus including: a meandering frequency detecting unit for detecting a meandering frequency of an information track of said optical disk; and a determination unit for determining a kind of said optical disk based on said meandering frequency detected by said meandering frequency detecting unit.
- d. J.P. Publication No. 2001-167510 to Iida et al., which discloses an apparatus for determining a kind of optical disk, said apparatus including: a meandering frequency detecting unit for detecting a meandering frequency of an information track of said optical disk; and a determination unit for determining a kind of said optical disk based on said meandering frequency detected by said meandering frequency detecting unit.
- e. J.P. Publication No. 2001-182314 to Usami, which discloses and an apparatus for determining a kind of optical disk by judgment as to the superposing of wobbling detecting signal on the tracking error signal. If the superposing of the wobbling signal is judged, a recording medium is judged as one kind, and if the superposing of the wobbling signal is not judged, a recording medium is judged as another kind.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jorge L Ortiz-Criado whose telephone number is (703) 305-8323. The examiner can normally be reached on Mon.-Thu.(8:30 am - 6:00 pm), Alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doris H To can be reached on (703) 305-4827. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

joc

TAN DINH PRIMARY EXAMINER

11/26/04